

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

OLECIA JAMES

PLAINTIFF

V.

NO. 4:19-CV-66-DMB-RP

**THE CLEVELAND SCHOOL
DISTRICT, et al.**

DEFENDANTS

ORDER

On December 31, 2020, Olecia James filed a motion to file under seal “a copy of her [attorney’s] physician’s note referenced in her motions seeking to file responses and memorandums for summary judgment outside of time.” Doc. #212. As grounds, James argues that the note is a medical record and “[m]edical records are generally recognized to contain information subject to protection Mississippi [sic] and federal law. [sic] and may be filed under seal.” *Id.* at 1. In violation of this Court’s Local Rules, the motion, among other things, is unaccompanied by a memorandum brief (although it asks that such requirement be waived), was not submitted with a proposed order, and does not state whether it is opposed. *See* L.U. Civ. R. 79(e); L.U. Civ. R. 7(b)(10).

In considering whether to grant a motion to seal, there is a “presumption in favor of the public’s access to judicial records,” and the decision whether to order judicial records sealed is committed to the sound discretion of the district court, which must “balance the public’s common law right of access against the interests favoring nondisclosure.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848–49 (5th Cir. 1993). Notwithstanding the procedural deficiencies of James’ motion to seal, the Court concludes that the public interest in the medical record (which relates only to a motion for extension) is low and is outweighed by James’ attorney’s interest in maintaining the confidentiality of her medical record. *See Dunigan v. Miss. Valley State Univ.*, No. 4:19-cv-33,

2020 WL 2735396, at *1 (N.D. Miss. 2020) (granting motion to seal medical records).

Accordingly, the motion to seal [212] is **GRANTED**.¹

SO ORDERED, this 5th day of January, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ This decision is subject to reconsideration should the defendants file a timely response opposing the motion to seal.